

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

ASHEVILLE DIVISION

JANE ROE,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil No. 1:20-cv-00066-WGY
)	
UNITED STATES OF AMERICA, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
)	
)	
)	

**PLAINTIFF’S MOTION FOR EXTENSION OF TIME TO RESPOND TO
DEFENDANTS’ OPPOSITION TO PLAINTIFF’S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

On behalf of Plaintiff Jane Roe (“Roe”), the undersigned counsel hereby moves the Court for an extension of time of **ten (10) days** to respond to the opposition response to Roe’s partial motion for summary judgment filed by the official capacity and entity defendants, ECF No. 78, until and including **October 19, 2020**.

In support of this Motion, Roe shows the following:

1. On August 17, 2020, Roe filed a partial motion for summary judgment against the official capacity and entity defendants. ECF No. 60.
2. Pursuant to Local Rule 7.1(e), the official capacity and entity defendants’ response to Roe’s motion was due on August 31, 2020. LCvR 7.1(e) (“Responses to motions must be filed within fourteen (14) days of the date on which the motion is served.” (emphasis added)); *see also* ECF No. 73, at 2.
3. On August 26, 2020, the official capacity and entity defendants moved for their first extension of time to file an opposition response to Roe’s motion for partial summary

- judgment. ECF No. 63. To date, the Court has not granted defendants' first extension request.
4. On September 25, 2020, the official capacity and entity defendants moved for a second extension of time. ECF No. 73. Defendants requested an extension to October 2, 2020, ECF No. 73, at 2, which was after the court ordered summary judgment deadline of October 1, 2020, Minute Entry Order Dated May 13, 2020. To date, the Court has not granted Defendants' second extension request.
 5. Roe opposed defendants' extension request, in part, because she believed the defendants' representations indicated that they would use a response to selectively present a one-sided factual narrative at the summary judgment stage after making a determination that they were not required to engage in discovery. *See* ECF No. 74, at 2.
 6. The timing of defendants' second extension request also prejudiced Roe by preventing her from having an opportunity to address their factual representations prior to the Court ordered summary judgment deadline. *See id.* at 2–3.
 7. On October 2, 2020, over one month late, defendants filed an untimely opposition response. ECF No. 78; *see also* ECF No. 74, at 3–4 (explaining that, under the circumstances, any response would be untimely).
 8. Defendants' opposition response includes over 400 pages of material. ECF No. 78.
 9. Defendants' opposition response relies extensively on five declarations containing material that was not previously disclosed by defendants or produced in response to Roe's discovery requests. *Id.*
 10. Roe respectfully asserts that an extension of time is necessary to fully and efficiently address defendants' arguments in their opposition response.

11. Roe respectfully asserts that granting her additional time to address defendants' arguments will promote judicial efficiency and aid the Court's review of the issues in this case.
12. For all of these reasons, the undersigned hereby moves the Court for an extension of time to respond to defendants' opposition response, until and including October 19, 2020.
13. Pursuant to Local Civil Rule 7.1(b), the undersigned has consulted with Defendants' Counsel before filing this Motion. Defendants' Counsel consent to Plaintiff's request for an extension of time.

WHEREFORE the undersigned hereby moves the Court for an extension of time for Roe to respond to defendants' opposition response, ECF No. 78, until and including October 19, 2020.

This the 5th day of October, 2020.

Respectfully Submitted,

/s/ Cooper Strickland
Cooper Strickland
N.C. Bar No. 43242
P.O. Box 92
Lynn, NC 28750
Tel. (828) 817-3703
cooper.strickland@gmail.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of October, 2020, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Gill P. Beck at Gill.Beck@usdoj.gov

Joshua M. Kolsky at Joshua.kolsky@usdoj.gov

Shannon Sumerall Spainhour at mss@dhwlegal.com

/s/ Cooper Strickland
Cooper Strickland
N.C. Bar No. 43242
P.O. Box 92
Lynn, NC 28750
Tel. (828) 817-3703
cooper.strickland@gmail.com